

United States  
District Court of Appeals  
For the Ninth Circuit.

CHARRENBURG,  
Plaintiff in Error,  
vs.

OLLAR STEAMSHIP COMPANY, DOL-  
LAR STEAMSHIP LINE, THE ROBERT  
OLLAR COMPANY, Corporations, and  
JAMES ABERNETHY,  
Defendants in Error.

Transcript of Record.

of Error to the United States District Court of the  
Northern District of California, First Division.

Filed

JUL 16 1915

F. D. Monckton,  
Clerk.



No. 2614

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United States  
District Court of Appeals  
For the Ninth Circuit.

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CHARRENBURG,  
Plaintiff in Error,  
vs.

OLLAR STEAMSHIP COMPANY, DOL-  
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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by  in italic the two words between which the omission seems to have been made. Heads inserted by the Clerk are enclosed within

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murrer to the second amended complaint.

The order for judgment.

The judgment.

The assignment of errors.

H. W. HUTTON,

Attorney for Plaintiff in Error. [1a]

[Endorsed]: No. 2614. In the United States Circuit Court of Appeals for the Ninth Circuit. Paul Scharrenberg, Plaintiff in Error, vs. The Dollar Steamship Company et al., Defendants in Error. Designation of Parts of Record to be Printed. Copy received this 17th day of June, 1915. Nathan H. Frank, Attys. for Defendants in Error. Filed Jun. 29, 1915. F. D. Monckton, Clerk.

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*In the District Court of the United States, in and for  
the Northern District of California, First Division.*

AT LAW—No. 15,520.

PAUL SCHARRENBERG,

Plaintiff,

vs.

THE DOLLAR STEAMSHIP COMPANY, DOLLAR STEAMSHIP LINE, THE ROBERT DOLLAR COMPANY, Corporations, and JAMES ABERNETHY,

Defendants.

**Second Amended Complaint.**

Now comes the plaintiff above named, and by leave of the Court first had and obtained files this, his

second amended complaint herein, and complaining of defendants alleges:

I.

That as plaintiff is informed and believes and so avers, defendants, The Dollar Steamship Company, Dollar Steamship Line, and The Robert Dollar Company, on all of the dates and times herein mentioned, were and now are corporations.

II.

That on all of the dates and times herein mentioned, as plaintiff is informed and believes and so avers, the defendants The Dollar Steamship Company, Dollar Steamship Line and the Robert Dollar Company, were the operators of a certain steam merchant vessel flying the British flag, known as and called the "Bessie Dollar," and also of a certain American steam merchant vessel flying the American flag, named, known and called "Mackinaw," each of said vessels carrying merchandise, and being operated at the times herein mentioned, and the defendant James Abernethy was in the employ [2] of the defendant corporations herein as master of said vessel "Bessie Dollar."

III.

That as plaintiff is further informed and believes, and so avers the defendants herein at the times hereinafter mentioned, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person, named Dung Pau, into the United States of America, for the purpose of his performing labor in the said United States, he at all of the times herein mentioned being a Chinese



person, whose birth place and residence was and is the City of Shanghai, in China, as follows.

#### IV.

That on the 3d day of December, A. D. 1913, the said vessel "Bessie Dollar," was lying in the Port of Shanghai, in China, with a full complement of officers and a full crew on board, each of whom had signed shipping articles to serve in their respective capacities on said vessel on a voyage thence to other parts of the world and return, and at that time the defendants herein other than defendant James Abernethy, desiring to procure a Chinese person, alien and contract laborer to bring to the United States of America to perform labor for them therein, to wit, to serve as a seaman on board of the said vessel "Mackinaw," and with that intent, they caused the said James Abernethy to engage said contract laborer for that purpose, which he did, and to, and he did enter into a contract in writing with said contract laborer before a Consul of Great Britain at said Shanghai, which said contract was a contract designated and known as shipping articles, and in the instance herein mentioned, were additional and other shipping articles to the shipping articles already as hereinbefore mentioned signed by the officers and crew of the said vessel "Bessie Dollar," which said [3] additional shipping articles were signed by the said defendant Abernethy and the said contract laborer at the request of the other defendants herein, the said Abernethy and the said contract laborer both signing the same as aforesaid, and in said shipping articles the said contract laborer



agreed to go on board of the said vessel "Bessie Dollar" and work for defendants, and they agreed to employ him thereon and to bring him to the said United States so that he could work for the said defendants therein other than said defendant Abernethy, although at that time no seaman or other persons were needed to work upon the said "Bessie Dollar," the said shipping articles so signed by said Abernethy and the said contract laborer describing the latter's employment as follows; that is to say said contract laborer was to work as a purported seaman on said vessel "Bessie Dollar,"

"On voyages from Shanghai to San Francisco, there to join the S. S. 'Mackinaw,' or any other vessel, within the limits of 70 degrees north and 70 degrees south latitude, trading to and from as may be required, and back to Shanghai, to be discharged with consent of local authorities. Term of service not to exceed two (2) years. The master has the option to transfer any or all of the within mentioned persons to any other British or Foreign ship bound to Shanghai in the same capacity and at the same rate of wages."

That the real purpose of defendants other than the defendant Abernethy, was to employ said contract laborer within the United States of America, and that after the signing of said contract and on or about the 3d day of December, 1913, the said contract laborer went on board of said vessel "Bessie Dollar" at said Shanghai, and was by the defendants brought on said vessel to the Port of San Francisco, in the State of California, he working as a seaman

on said vessel on her passage from said Shanghai to said Port of San Francisco, at which last named place and on or about the 15th day of January, 1914, [4] at said last named place the defendants caused the said contract laborer to be discharged from said vessel, and he was by them discharged from service on her, and thereafter and upon the same day, the defendants herein other than defendant James Abernethy, in pursuance of the purpose for which they had brought the said contract laborer from said Shanghai, hired and employed him in the said Port of San Francisco, and caused him to sign a contract of shipment before the United States Shipping Commissioner for the said Port of San Francisco, on a voyage on said vessel described in said contract of shipment, as follows:

“From San Francisco, Cal., to Shanghai, China, and such other Asiatic Ports as the master may direct, via Grays Harbor, Seattle, Wash., and such other ports on the Pacific Coast as the master may direct; final port of discharge shall be Shanghai, China.”

That the Grays Harbor, and the Seattle mentioned in said contract of shipment are each ports, to wit, seaports in the State of Washington. That after the signing of such shipping articles or contract of shipment the said contract laborer went on board of said vessel “Mackinaw” in the employ of defendants other than said James Abernethy, at said Port of San Francisco, on or about the said 15th day of January, 1914, under and pursuant to his said hiring at said Shanghai, to work as a seaman on said vessel

“Mackinaw,” and worked on board of said vessel in the said Port of San Francisco, for some days, and also on a voyage of said vessel from said San Francisco, to said Grays Harbor and at said Grays Harbor also worked on said vessel as a seaman and pursuant to his said hiring, and did and is now so performing labor on board of said vessel.

That at all the times herein mentioned unemployed labor of a like kind to that performed, and for which the said contract laborer was so contracted with at said Shanghai to perform could have been found in the United States of America, and particularly in [5] those parts of the United States of America, where the said vessel from time to time was, and could have easily been found in the Port of San Francisco, in the State of California, on the 3d day of December, 1913, and for a long time prior thereto and at all times since.

That by reason of the foregoing plaintiff has been wronged and damaged, and the said defendants have become indebted to the plaintiff in the sum of one thousand (\$1,000.00) dollars, plaintiff having been wronged and damaged in that amount, none of which has been paid.

## SECOND COUNT.

For a further and second cause of action against said defendants plaintiff alleges:

a.

Plaintiff makes the whole of paragraphs numbered I, II and IV, of the first count of this complaint, a part of this second count, to serve in this

second count in the order in which they are numbered.

### VII.

That as plaintiff is further informed and believes, and so avers the defendants herein, at the times hereinafter mentioned, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Yuen Mow Shin, into the United States of America, for the purpose of his performing labor in the said United States of America, he at all of the times herein mentioned being a Chinese person, whose birth place and residence was and is the City of Shanghai, in China.

### THIRD COUNT.

For a further separate and third cause of action against said defendants, plaintiff alleges: [6]

#### a.

Plaintiff makes the whole of paragraphs numbered I, II and IV, of the first count of this complaint, a part of this third count, to serve in this third count in the order in which they are numbered.

### III.

That as plaintiff is informed and believes and so avers, the defendants herein at the times in paragraph IV hereof mentioned, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person, to wit, one Mau Shing Lang, into the United States of America, for the purpose of his performing labor in the said United States of America, he at all of the times herein mentioned being a Chinese person, whose

birth place and residence was and is the City of Shanghai, in China, as follows, to wit, as in *par*-person whose birth place and residence was the City of Shanghai, in China, said assistance and encouragement being in the manner set forth in paragraph IV, hereof, as follows, to wit:

#### FOURTH COUNT.

For a further separate and fourth cause of action against said defendants, plaintiff alleges:

a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first count of this complaint a part of this fourth count, to serve as numbered in said first count.

#### III.

That as plaintiff is further informed and believes, and so avers, the defendants herein, at the times in paragraph IV hereof set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Sz Hang Lang, into the United States of America, for the purpose [7] of his performing labor in the said United States of America, he at said times being a Chinese person, whose birthplace and residence was the City of Shanghai, in China, said assistance and encouragement being in the manner set forth in paragraph IV, hereof as follows, to wit:

#### FIFTH COUNT.

For a further separate and fifth cause of action against said defendants, plaintiff alleges:

a.

Plaintiff makes the whole of paragraphs number



I, II and IV, of the first count of this complaint a part of this fifth count, to serve as numbered in said first count.

### III.

That as plaintiff is further informed and believes, and so avers, the defendants herein at the times in paragraph IV hereof set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Chin Pau Sue, into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person, whose birth place and residence was the City of Shanghai, in China, said assistance and encouragement being in the manner set forth in paragraph IV, hereof, as follows, to wit:

### SIXTH COUNT.

For a further separate and sixth cause of action against said defendants, plaintiff alleges:

#### a.

Plaintiff makes the whole of paragraphs number I, II and IV, of the first count of this complaint a part of this sixth count, to serve as numbered in said first count. [8]

### III.

That as plaintiff is further informed and believes, and so avers, the defendants herein, at the times in paragraph IV hereof set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Ying Wo Dong, into the United States of America,



for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person, whose birth place and residence was the City of Shanghai, in China, said assistance and encouragement being in the manner set forth in paragraph IV, hereof, as follows, to wit:

### SEVENTH COUNT.

For a further separate and seventh cause of action against said defendants, plaintiff alleges:

a.

Plaintiff makes the whole of paragraphs number I, II and IV, of the first count of this complaint a part of this seventh count, to serve as numbered in said first count.

### III.

That as plaintiff is further informed and believes, and so avers, the defendants herein at the times in paragraph IV hereof set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Le Shin Knau into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person whose birth place and residence was the City of Shanghai, in China, said assistance and encouragement being in the manner set forth in paragraph IV hereof, as follows, to wit:

### EIGHTH COUNT.

For a further separate and eighth cause of action against said defendants, plaintiff alleges: [9]

a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first count of the complaint a part of this eighth count, to serve as numbered in said first count.

III.

That as plaintiff is further informed and believes and so avers, the defendants herein, at the times in paragraph IV hereof set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Yan Pam Fung, into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person, whose birth place and residence was the City of Shanghai, in China, said assistance and encouragement being in the manner set forth in paragraph IV, hereof as follows, to wit:

## NINTH COUNT.

For a further separate and ninth cause of action against said defendants, plaintiff alleges:

a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first count of this complaint, a part of this ninth count, to serve as numbered in said first count.

III.

That as plaintiff is further informed and believes and so avers, the defendants herein, at the times in paragraph IV hereof set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Chn Chang Kwa, into the United States of America, for the purpose of his performing labor in the said

United States of America, he at said times being a Chinese person, whose birth place and residence was the City of Shanghai, in China, said assistance and encouragement [10] being in the manner set forth in paragraph IV hereof, as follows, to wit:

TENTH COUNT.

For a further, separate and tenth cause of action against said defendants, plaintiff alleges:

a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first count of this complaint, a part of this tenth count, to serve as they are numbered in said first count, in this tenth count.

III.

That as plaintiff is further informed and believes and so avers, the defendants herein, at the times in paragraph IV hereof set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Wong Chin Muk, into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person, whose birth place and residence was the City of Shanghai in China, said assistance and encouragement being in the manner set forth in paragraph IV hereof, as follows, to wit:

ELEVENTH COUNT.

For a further, separate and eleventh cause of action against said defendants, plaintiff alleges:

a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first count of this complaint a part of this

eleventh count, to serve as they are numbered in said first count, in this eleventh count.

### III.

That as plaintiff is further informed and believes and so avers, the defendants herein at the times in paragraph IV, hereof [11] set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named San Sang Dong, into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person, whose birth place and residence was the City of Shanghai in China, as follows:

### TWELFTH COUNT.

For a further, separate and twelfth cause of action against said defendants, plaintiff alleges:

#### a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first count of this complaint, a part of this twelfth count, to serve as they are numbered in said first count, in this count.

### III.

That as plaintiff is further informed and believes, and so avers, the defendants herein, at the times in paragraph IV hereof set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Ching Lung, into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person, whose birth place and residence was

the City of Shanghai in China, said assistance and encouragement being in the manner set forth in paragraph IV hereof as follows, to wit:

### THIRTEENTH COUNT.

For a further, separate and thirteenth cause of action against said defendants, plaintiff alleges.

a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first cause of action of this complaint, a part of this thirteenth count to serve in the order in which they are numbered in said first count, in this count. [12]

### III.

That as plaintiff is further informed and believes and so avers, the defendants herein, at the times in paragraph IV hereof set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Ho Ah Chun into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person, whose birth place and residence was the City of Shanghai in China, as follows, to wit:

### FOURTEENTH COUNT.

For a further, separate and fourteenth cause of action against said defendants, plaintiff alleges:

a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first count of this complaint, a part of this fourteenth count, to serve as they are numbered in said first count, in this count.



## III.

That as plaintiff is further informed and believes and so avers, the defendants herein, at the times herein in paragraph IV hereof set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Ye Pan Lo, into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person, whose birth place and residence was the City of Shanghai in China, said assistance and encouragement being in the manner set forth in paragraph IV hereof, as follows, to wit:

## FIFTEENTH COUNT.

For a further, separate and fifteenth cause of action against said defendants, plaintiff alleges: [13]

## a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first count of this complaint a part of this fifteenth count, to serve as they are numbered in said first count, in this count.

## III.

That as plaintiff is further informed and believes and so avers, the defendants herein, at the times herein in paragraph IV hereof set forth knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person Tsang Po, into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person, whose birth place and residence was



the City of Shanghai in China, said assistance and encouragement being in the manner set forth in paragraph IV hereof, as follows, to wit:

### SIXTEENTH COUNT.

For a further, separate and sixteenth cause of action against said defendants, plaintiff alleges:

a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first count of this complaint, a part of this sixteenth count, to serve as they are numbered in said first count, in this count.

### III.

That as plaintiff is further informed and believes and so avers, the defendants herein, at the times in paragraph IV hereof mentioned and set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Tsan Kang, into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person, whose birth place and residence was the City of Canton, in China, said assistance [14] and encouragement being in the manner set forth in paragraph IV hereof, as follows, to wit:

### SEVENTEENTH COUNT.

For a further, separate and seventeenth cause of action against said defendants, plaintiff alleges:

a.

Plaintiff makes the whole of paragraphs II and IV, of the first count of this complaint a part of this

seventeenth count, to serve as they are numbered in said first count, in this count.

### III.

That as plaintiff is further informed and believes and so avers, the defendants herein, at the times in paragraph IV hereof mentioned and set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Ching Ling, into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person, whose birth place and residence was the City of Canton in China, said assistance and encouragement being in the manner set forth in paragraph IV hereof, as follows, to wit:

### EIGHTEENTH COUNT.

For a further and separate and eighteenth cause of action against said defendants, plaintiff alleges:

#### a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first count of this complaint, a part of this eighteenth count, to serve in the order in which they are numbered in said first count, in this count.

### III.

That as plaintiff is further informed *en* believes and so avers, the defendants herein, at the times in paragraph IV hereof mentioned [15] and set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Tsang On *Tsang On* into the United States of America, for the purpose of his performing labor in the said United States of

America, he at said times being a Chinese person, whose birth place and residence was the City of Canton in China, said assistance and encouragement being in the manner set forth in paragraph IV hereof, as follows, to wit:

### NINETEENTH COUNT.

For a further, separate and nineteenth cause of action against said defendants, plaintiff alleges:

a.

Plaintiff makes the whole of paragraphs I, II and IV, of the first count of this complaint, a part of this nineteenth count, to serve in the order in which they are numbered in said first count in this count.

### III.

That as plaintiff is further informed and believes and so avers, the defendants herein, at the times in paragraph IV hereof mentioned and set forth, knowingly assisted and encouraged the importation and the migration of a certain contract laborer and alien person named Wong Fook into the United States of America, for the purpose of his performing labor in the said United States of America, he at said times being a Chinese person whose birth place and residence was a certain city called Hongkong, in China, said assistance and encouragement being in the manner set forth in paragraph IV hereof as follows, to wit:

Wherefore, plaintiff prays judgment against said defendants for the sum of nineteen thousand (\$19,000.00) dollars and costs of this action.

H. W. HUTTON,  
Attorney for Plaintiff. [16]

United States of America,  
Northern District of California,—ss.

Paul Scharrenberg, being first duly sworn, deposes and says as follows:

I am the plaintiff above named, I have read the foregoing second amended complaint and I know the contents thereof, and the same is true of my own knowledge, except as to the matters therein stated on information or belief and as to those matters I believe it to be true.

PAUL SCHARRENBERG.

Subscribed and sworn to before me this 28th day of May, 1915.

[Seal]

L. H. ANDERSON,  
Notary Public in and for the City and County of  
San Francisco, State of California.

Copy received this 28th day of May, 1914.

NATHAN H. FRANK,  
Attorney for Defendants.

[Endorsed]: Filed May 29, 1914. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [17]

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*In the District Court of the United States, in and for  
the Northern District of California, Division  
One.*

AT LAW—No. 15,520.

PAUL SCHARRENBERG,

Plaintiff,

vs.

THE DOLLAR STEAMSHIP COMPANY et al.,  
Defendants.

**Demurrer to Second Amended Complaint.**

The defendants in the above-entitled cause file this, their Demurrer to the Second Amended Complaint on file herein, and for cause of demurrer allege as follows:

I.

That the first count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

II.

That the second count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

III.

That the third count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

IV.

That the fourth count in said second amended complaint set forth does not state facts sufficient to constitute a cause of [18] action.

V.

That the fifth count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

VI.

That the sixth count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

VII.

That the seventh count in said second amended

complaint set forth does not state facts sufficient to constitute a cause of action.

VIII.

That the eighth count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

IX.

That the ninth count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

X.

That the tenth count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

XI.

That the eleventh count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

XII.

That the twelfth count in said second amended complaint set [19] forth does not state facts sufficient to constitute a cause of action.

XIII.

That the thirteenth count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

XIV.

That the fourteenth count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

XV.

That the fifteenth count in said second amended



complaint set forth does not *state sufficient* to constitute a cause of action.

XVI.

That the sixteenth count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

XVII.

That the seventeenth count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

XVIII.

That the nineteenth count in said second amended complaint set forth does not state facts sufficient to constitute a cause of action.

WHEREFORE, said defendants pray that said cause may be dismissed, and for their costs therein.

NATHAN H. FRANK,

IRVING H. FRANK,

Attorneys for Defendants. [20]

We hereby certify that the foregoing Demurrer to Second Amended Complaint is in our opinion well taken in point of law, and that the same is not interposed for purposes of delay.

Dated, June 5th, 1914.

NATHAN H. FRANK,

IRVING H. FRANK,

Attorneys for Defendants.

Receipt of a copy of the within Demurrer to Second Amended Complaint is hereby admitted this 5th day of June, 1914.

H. W. HUTTON,

Attorney for Plaintiff.

[Endorsed]: Filed Jun. 8, 1914. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [21]

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*In the District Court of the United States, in and for  
the Northern District of California, First Divi-  
sion.*

IN ADMIRALTY—No. 15,520.

PAUL SCHARRENBERG,

Plaintiff,

vs.

THE DOLLAR STEAMSHIP COMPANY et al.,  
Defendants.

**Order Sustaining Demurrer to 2d Amended  
Complaint.**

H. W. HUTTON, Esq., Attorney for Plaintiff.

NATHAN H. FRANK and IRVING H.

FRANK, Attorneys for Defendants.

The Second Amended Complaint does not present any state of facts differing in principle from those held to be insufficient to state a cause of action, when the demurrer to a prior Complaint was sustained.

The Demurrer to the Second Amended Complaint will, therefore, be sustained.

January 20th, 1915.

M. T. DOOLING,  
Judge.

[Endorsed]: Filed Jan. 20, 1915. W. B. Maling,  
Clerk. By Lyle S. Morris, Deputy Clerk. [22]

*In the District Court of the United States, in and for  
the Northern District of California, First Division.*

AT LAW—No. 15,520.

PAUL SCHARRENBERG,

Plaintiff,

vs.

THE DOLLAR STEAMSHIP COMPANY et al.,  
Defendants.

**Request to Enter Judgment.**

To the Clerk of the Above-entitled Court.

No leave to amend having been given upon the sustaining of defendants demurrer to plaintiffs second amended complaint, and plaintiff desiring to have the order sustaining said demurrer reviewed by the Appellate Court, you will please enter up judgment for defendants.

Dated May 27th, 1915.

H. W. HUTTON,  
Attorney for Plaintiff.

[Endorsed]: Filed May 27, 1915. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [23]

*In the District Court of the United States, for the  
Northern District of California, First Division.*

No. 15,520.

PAUL SCHARRENBURG,

Plaintiff,

vs.

THE DOLLAR STEAMSHIP CO. and JAMES  
ABERNETHY,

Defendants.

**Judgment.**

In this cause, the Court having ordered that Defendants' Demurrer to the Second Amended Complaint be sustained, without leave to amend, and that Judgment be entered accordingly:

NOW, THEREFORE, by virtue of the law and by reason of the premises aforesaid, it is considered by the Court that plaintiff take nothing by this action and that the defendants go hereof without day.

JUDGMENT ENTERED this 27th day of May,  
A. D. 1915.

W. B. MALING,  
Clerk.

By C. W. Calbreath,  
Deputy Clerk. [24]

*In the District Court of the United States in and for  
the Northern District of California, First Divi-  
sion.*

AT LAW.

PAUL SCHARRENBURG,

Plaintiff,

vs.

THE DOLLAR STEAMSHIP COMPANY et al.,  
Defendants.

**Assignment of Errors.**

I.

The Court erred in sustaining defendants demurrer to plaintiffs second amended complaint, for the reason that said complaint showed clearly that defendants at Shanghai in China, entered into a contract in writing with each of the persons named in said complaint, and each of whom were aliens, under and by which contract each of said aliens came to the United States, to perform services therein for said defendants, and that said defendants knowingly assisted and encouraged each of said aliens to come to the United States to *perform* labor therein under such contract of employment, and said defendants thereby encouraged and assisted in the importation of alien contract laborers into the United States.

Dated May 28th, 1915.

H. W. HUTTON,  
Attorney for Plaintiff.

[Endorsed]: Filed May 28, 1915. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [25]

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[Endorsed]: No. 2614. United States Circuit  
Court of Appeals for the Ninth Circuit. Paul  
Scharrenberg, Plaintiff in Error, vs. The Dollar  
Steamship Company, Dollar Steamship Line, The  
Robert Dollar Company, Corporations, and James  
Abernethy, Defendants in Error. Transcript of  
Record. Upon Writ of Error to the United States  
District Court of the Northern District of Califor-  
nia, First Division.

Filed June 17, 1915.

F. D. MONCKTON,  
Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.

By Meredith Sawyer,  
Deputy Clerk.